

RECEIVED
CENTRAL FAX CENTER**APR 19 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Schiuma
Serial No.: 09/887,499
Filed: 06/22/2001
For: Multi-Platform Application
Attorney Dkt. No.: GB920000072US1
Art Unit: 2157
Examiner: Coffy, E.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF CONFERENCE REQUEST

Sir:

Applicant requests a panel of experienced Examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference program. A Notice of Appeal has been filed together with this Request.

Applicant submits that the above-identified application is not in condition for appeal because the Examiner has failed to establish a prima facie case of obviousness based on an error in facts. Claims 12-18 and 20 are pending in this application.

In the Final Office Action, claims 12-18 and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kraslavsky (U.S. Patent No. 5,699,350) in view of Rune (U.S. Patent No. 6,304,913), Chen et al. (U.S. Patent No. 6,862,622), hereafter "Chen," and Jorgensen (U.S. Patent No. 6,862,622), hereafter "Jorgensen." Applicant submits that that the rejection under 35 U.S.C. §103(a) is clearly not proper

09/887,499

Page 1 of 3

BEST AVAILABLE COPY

and without basis because the references, taken alone or in any combination, fail to teach or suggest each and every feature of the claimed invention as required by 35 U.S.C. 103(a). Further, there is no motivation to combine the teachings of Kraslavsky and Rune in the manner suggested by the Examiner.

With reference to claim 12, the Examiner alleges that Kraslavsky discloses a "request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet over the Internet to IPX subnets connected within a specified number of hops." Kraslavsky, column 13, lines 1-27; column 14, lines 37-47. Applicant disagrees and submits that Kraslavsky fails to teach or suggest a "request sender for sending an IPX/SPX Routing Information Protocol (RIP) request packet **over the Internet** to IPX subnets connected within a specified number of hops." On the contrary, Kraslavsky is directed to a network interface device which can communicate with other devices via a **local area network (LAN)** using various protocols and frame types, and which can be remotely reconfigured to use different protocols and frame types. Clearly, Kraslavsky is unconcerned with (and provides no disclosure directed to) the sending of IPX/SPX Routing Information Protocol (RIP) request packets **over the Internet**, nor the sending of IPX/SPX Routing Information Protocol (RIP) request packets **over the Internet to IPX subnets connected within a specified number of hops** (i.e., routers).

The Examiner asserts that Kraslavsky fails to teach that a "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers." To overcome this glaring deficiency of Kraslavsky, the Examiner alleges that Rune teaches that a "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers." Rune, FIGS.

09/887,499

Page 2 of 3

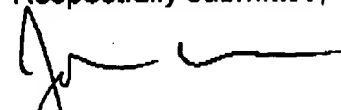
BEST AVAILABLE COPY

4, 5, 7, 8, 9, 10; column 4, lines 37-43. This statement is technically incorrect and completely without merit. In particular, Rune refers exclusively to a TCP/IP network and is completely silent with regard to IPX/SPX. Therefore, Rune cannot possibly teach a "set of network numbers may be used to send an IPX/SPX packet to a subnet included within the set of network numbers." As such, one of ordinary skill in the art would not be motivated to combine the teachings of Kraslavsky and Rune in the manner suggested by the Examiner.

Chen and Jorgensen fail to remedy the deficiencies of Kraslavsky and Rune.

In view of the foregoing, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness, and that this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution.

Respectfully submitted,



John A. Merecki
Reg. No. 35,812

Date: 4/19/06

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

BEST AVAILABLE COPY